

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1, 15 and 17-18 are amended. Reconsideration of the application is respectfully requested.

The Office Action objects to the title of the invention. The title is amended to overcome the objection. Accordingly, withdrawal of the objection to the title is respectfully requested.

The Office Action rejects claims 2-18 under the judicially created doctrine of double patenting over claims 8-10, 23-25 and 27-40 of U.S. Patent No. 6,663,491. A Terminal Disclaimer is filed herewith to obviate the double patenting rejection. Accordingly, withdrawal of the rejection of the claims for double patenting is respectfully requested.

The Office Action rejects claims 1, 4, 6-8 and 10-18 under 35 U.S.C. §102(b) over Baker (U.S. Patent No. 5,486,001); and claims 2, 3, 5 and 9 under 35 U.S.C. §103(a) over Baker in view of Ota (U.S. Patent No. 6,001,013). The rejections are respectfully traversed.

In particular, none of the applied references, alone or in combination, disclose or suggest a game apparatus for executing a predetermined game that includes a game level setting section for setting a game level of difficulty, wherein at least one of a tempo of the assigned movement, a type of the assigned movement and the similarity is changed based on the game level of difficulty, as recited in independent claim 1 and similarly recited in independent claims 15 and 17. Support for this feature can be found in the specification at, for example, page 22, lines 4-10.

Baker teaches an instructional aid for enabling and assisting a person to emulate a predetermined movement such as a golf swing (Abstract). Baker teaches means for capturing visual image signals of a particular movement, means for storing the captured visual image signals, means for storing visual image signals of a plurality of preferred movements, means for comparing the captured visual image signals with the stored image signals of a selected

preferred movement, and means for regenerating further visual image signals of the particular movement adjusted in accordance with the selected preferred movement (col. 2, lines 47-58). However, Baker does not disclose or suggest setting a game level of difficulty that is the basis for changing, for example, a particular movement, as recited in the independent claims. Accordingly, Baker fails to disclose or suggest each and every feature of independent claims 1, 15 and 17. Thus, independent claims 1, 15 and 17, and their dependent claims, are patentable over Baker.

Ota teaches a video dance game apparatus for displaying an image of at least two dancers on a screen and controlling the dancers to play various dance performances in accordance with an external operation to offer a dance game (Abstract). Moreover, although Ota teaches setting the basic movement level to a higher level (col. 10, lines 59-61), Ota does not teach setting a game level of difficulty wherein at least one of a tempo of the assigned movement, a type of the assigned movement and the similarity between the movement of the player and the predetermined assigned movement is changed based on the game level of difficulty, as recited in the independent claims. Accordingly, Ota fails to cure deficiencies in Baker in disclosing or rendering obvious the features of independent claims 1, 15 and 17.

For at least these reasons, independent claims 1, 15 and 17, and their dependent claims, are patentable over Baker and Ota. Thus, withdrawal of the rejections of the claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Terminal Disclaimer

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